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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



KEITH CREAGH  
DIRECTOR

SUBMITTED: December 17, 2012

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Order to Regulate Use of Off-Road Vehicles,  
Silver Lake State Park, Oceana County  
Land Use Order of the Director Amendment No. 02 of 2013  
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director to issue orders to implement land use rules.

Discussion and Background:

The purpose of this order is to address several changes in public use of the Silver Lake Off Road Vehicle (ORV) area, including statutory changes that affect the use of this area. The amendments will:

- **Provide Compliance with Michigan Vehicle Code:** This order will provide consistency with MCL 324.81129, which, in part, restricts the age of ORV use by the age of the driver.
- **Improve Customer Service:** The order will provide additional days for public access to Silver Lake ORV area.
- **Provide Safer Recreation:** This order bans the use of remote-controlled devices within Silver Lake ORV area. Remote-controlled vehicles will continue to be allowed in the park outside of the Silver Lake ORV area.

The comprehensive change in graduated driver's licenses in Michigan's Motor Vehicle Code requires the existing Land Use Order of the Director for the Off-Road Vehicle Area at Silver Lake State Park to be updated to make the rules consistent with statute.

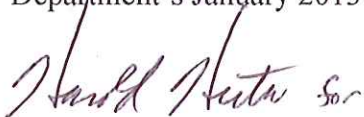
This Order also increases the operational season for Silver Lake ORV area to allow additional days for access and use. Expanding the number of days Silver Lake ORV area is open will provide additional public use opportunity and may support local businesses that benefit from the Silver Lake ORV area.

There has been an increase in desire from local vendors and individuals to use Silver Lake ORV area as a staging area for remote-controlled vehicles. Operation of ORVs and remote-controlled vehicles in the same area is not compatible for safety reasons. Other areas within Silver Lake State Park are better suited for this recreational activity, while not creating additional, possibly hazardous, distractions for ORV operators.

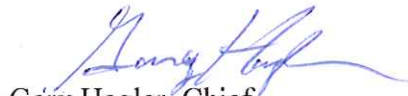
The amended Land Use Order has been reviewed and approved by the Michigan State Park Advisory Committee by resolution 12-2012-03 at their December 13, 2012 meeting.

Recommendation:

This order is being submitted for information and consideration. This item appeared on the Department's January 2013 calendar and may be eligible for approval on February 7, 2013.



Ronald A. Olson, Chief  
Parks and Recreation Division



Gary Hagler, Chief  
Law Enforcement Division



William O'Neill, Chief  
Forest Resources Division



Russ Mason, Ph.D., Chief  
Wildlife Division



James Dexter, Chief  
Fisheries Division



William E. Moritz, Ph.D.  
Natural Resources Deputy

# LAND USE ORDERS OF THE DIRECTOR

## Amendment No. 02 of 2013

By authority conferred on the Director of the Department of Natural Resources by Section 504 of the Natural Resources Environmental Protection Act, 1994 PA 451, as amended, MCL 324.504, and in accordance with R 299.921 to R 299.933, the Director of the Department of Natural Resources orders the following:

### **5.9 Off-road vehicles, Silver lake state park ORV area, conditions for use, prohibited conduct.**

Order 5.9 A person shall not do any of the following on all state lands of Silver lake SP posted as the ORV area, Oceana county:

- (1) Operate an ORV from November 1 through March 31.
- (2) Operate an ORV from April 1 through ~~May 15~~ April 30 between the hours of 8:00 p.m. and 9:00 a.m.
- (3) Operate an ORV from ~~May 16-1~~ through ~~Labor day~~ September 15 between the hours of 10:00 p.m. and 9:00 a.m.
- (4) Operate an ORV from ~~the day following Labor day~~ September 16 through October 31 between the hours of 8:00 p.m. and 9:00 a.m.
- (5) Operate any motor vehicle with four or more wheels that does not contain a seat and individual seat belt for each occupant of that vehicle. Those vehicles with automotive-type seating and fewer than four wheels shall be equipped with a seat belt for each occupant. Vehicle operators shall comply with the provisions of the Michigan child passenger safety law, MCL 257.710d, and all of the following provisions:
  - (a) Seat belts shall be in use by all occupants while the vehicle is in operation.
  - (b) An approved automotive manufactured restraining device, such as a lap belt or three- or four-point harness, is an acceptable seat belt.
  - (c) Seat belts and restraining devices, other than factory installed, shall be secured by bolting to the vehicle floor, frame, or roll bar.
  - (d) Any vehicle on which the operator straddles the seat, such as a motorcycle or an all-terrain vehicle (ATV), will be limited to the operator only as the sole occupant and no seat belt will be required.
- (6) Operate a vehicle requiring seat belts where an occupant in the rear seat is not protected by a roll bar located immediately behind the occupant's seat as described in subsection (8) unless the rear seat occupants are wearing a safety approved for automotive use (A.N.S.I. or equal) helmet. The operator or occupant of a vehicle not required to meet seat belt specifications shall wear a safety helmet approved for automotive use (A.N.S.I. or equal) and protective eyewear.
- (7) Operate a vehicle requiring seat belts without a warning flag mounted and extending over the front-most portion of the vehicle. Vehicles not requiring seat belts shall mount the warning flag on the rear of the vehicle. Vehicle operators shall comply with all of the following requirements:
  - (a) The warning flag shall be mounted on a staff that is securely bolted, or welded, or secured to the vehicle. The warning flag shall maintain a minimum 10-foot height at standstill and a minimum 8-foot height under motion.

(b) The warning flag shall be mounted on the top-most end of the staff. The flag shall be rectangular, international orange in color, solid material, with a minimum length on the supporting side of five inches and a minimum length on the base side of 10 inches.

(8) Operate a vehicle requiring seat belts that is not equipped with an integral steel roof, or roll bar located immediately behind the operator, or roll cage, capable of supporting the weight of the vehicle. The operator and occupants of a vehicle without a full front windshield shall wear protective eyewear. The operator of a vehicle equipped with a roll bar shall comply with all the following requirements:

(a) The roll bar shall be welded or bolted to the floor or frame of the vehicle.

(b) The roll bar shall be braced in such a manner as to prevent collapse.

(c) The roll bar shall have clearance above, behind, and outside each seated occupant in the vehicle.

(9) Fail to submit to any of the following tests, or operate any vehicle that does not comply with all of the following:

(a) Vehicles shall be equipped with a muffler and spark arrester containing baffles, shall meet the muffler and spark arrester requirements specified in subsection (g) of section 81133 of Part 811, Off-Road Recreational Vehicles, of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994 PA 451, being Section MCL 324.81133(g), of the Michigan Compiled Laws and shall successfully pass a muffler and spark arrester baffle test. ~~A vehicle shall successfully pass a muffler and spark arrester baffle test by preventing passage of a flexible, plastic rod, no larger than 3/8-inch in diameter, through the muffler and spark arrester when inserted through the exhaust outlet.~~

(b) A maximum noise level of 94 dB(A), or the current EPA emissions limit, shall be met. The testing provisions of current SAE J 1287, June 93 standard for ATV and motorcycle vehicles and SAE J 1169, March 93 for all other vehicles shall be followed and all vehicles shall pass a stationary sound level test. The stationary sound level test shall be administered from a 0.5 meter (19.69 inches) distance at one-half the engine's maximum rated RPM and as further described by current testing provisions for the particular vehicle.

(10) Operate any vehicle at any time without possessing a valid **unrestricted** operator's or chauffeur's license, except as follows:

~~(a) A person at least 12 years of age, who has in his or her immediate possession a valid ORV safety certificate issued by this state or a comparable ORV safety certificate issued under the authority of another state or a province of Canada, may operate either an ATV or motorcycle while under direct visual supervision of a parent or adult guardian, from a distance of not more than 50 feet. Adults, with an ORV safety certificate, may operate an ATV or motorcycle unless otherwise prohibited.~~

~~(b) A parent or adult guardian of a child 12 years of age to less than 16 years of age shall not permit the child to operate an ORV unless the child is under direct visual supervision of a parent or adult guardian from a distance of not more than 50 feet, and the child has in his or her immediate possession an ORV safety certificate issued by this state or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.~~

(a) A person at least 12 years of age with an ORV safety certificate issued by this State or another state or a province of Canada may operate either an ATV or motorcycle with direct visual supervision by an adult. The direct supervision shall not be impaired by distance and must allow the adult the ability to direct the youth's actions by verbal communications. Electronic amplification of verbal communications shall not be used.

(b) An adult shall not allow an unlicensed youth to operate an ORV.

**(c) An ORV operator licensed under a level two graduated driver's license shall only operate under the provisions of that license.**

**(11) Operate any type of vehicle and fail to present an operator's or chauffeur's license or ORV safety training certificate upon the demand of any law enforcement officer or state park personnel.**

**(12) Enter or use the ORV area without complying with all posted regulatory, zoning, or directional signs, or operate a vehicle except in the directional pattern established and marked within the ORV area.**

**(13) Enter or use the ORV Area without obtaining and displaying a valid ORV area parking lot voucher or dune ready voucher at any time when such requirement is posted.**

**(14) Operate any vehicle while towing a contrivance other than a disabled vehicle or trailer, or tow a vehicle or trailer on other than the designated parking lot or paved entrance road without first obtaining proper written permission from the department. Passengers shall not occupy any trailer or disabled vehicle while it is being towed.**

**(15) Drive or operate any motor driven vehicle at speeds exceeding ~~45-mph~~ posted speed limits or perform exhibition-type driving within the parking area or entrance road/ramp to the ORV area, or the defined speed zone along the Lake Michigan shoreline. Exhibition-type driving means performing wheelies, spinning tires, cutting circles, jump starts, or other erratic or irresponsible or careless driving.**

**(16) Possess or consume an alcoholic beverage at any time in the ORV area, ORV voucher center area, or any area extending one-quarter of a mile from the boundary of the ORV area.**

**(17) To leave a vehicle, trailer, or other equipment or contrivance unattended in the ORV voucher center area at any time without first obtaining written permission from the Department.**

**(18) Operate an ORV that is not titled.**

**(19) Operate a remote-controlled device within the ORV area.**

This amended order shall be posted on or after February 8, 2013.

Issued on this 7th day of February, 2013.

Keith Creagh  
Director